

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FORD MOTOR COMPANY-UAW)	CASE NO. 1:09 CV 477
RETIREMENT PLAN,)	
)	
Plaintiff,)	JUDGE NUGENT
)	
v.)	MAGISTRATE JUDGE McHARGH
)	
ANDRIENNE WHEATLEY, et al.,)	
)	<u>REPORT AND RECOMMENDATION</u>
)	
Defendants.)	

On June 16, 2009, the court ordered *pro se* Defendant Bessie Horn to file an answer by July 2, 2009. Defendant Horn did not file her answer by that date. On July 9, 2009, Defendant Andrienne Wheatley filed a motion for judgment on the pleadings (doc. 16) based solely on Defendant Horn's failure to file an answer. On September 9, 2009, following a telephone conference with the parties, the court issued an order indicating that it would appoint counsel for Defendant Horn and allowing Defendant Horn an additional 20 days from the date of appointment of counsel in which to file an answer.

In light of the September 9, 2009 order allowing Defendant Horn a 20-day extension of time to file an answer pending appointment of counsel, the Magistrate Judge recommends that Defendant Wheatley's motion for judgment on the pleadings (doc. 16) be denied as moot.

s/ Kenneth S. McHargh
Kenneth S. McHargh
United States Magistrate Judge

Date: September 9, 2009.